



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,609	12/22/2004	Yutaka Shimada	262232US6PCT	8517

22850 7590 10/30/2006

C. IRVIN MCCLELLAND
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PHAM, VAN T

ART UNIT PAPER NUMBER

2627

DATE MAILED: 10/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/517,609

Applicant(s)

SHIMADA ET AL.

Examiner

VAN T. PHAM

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/29/2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed Sept 29, 2006 have been fully considered but they are not persuasive.

Applicant's asserted Okazaki does not appear to disclose anything that could be constructed as the -----adjusting mechanism, noted claim 1 recites "adjusting mechanism part configured to apply the first and second laser beam to the signal recording part of the respective opposed side of the first and second recording parts of the optical disc from at least one of first and second optical pickups respectively disposed to be opposed to the surfaces of the optical disc, and detecting a rejected light from the opposed signal recording parts to adjust the at least one of the first and second optical pickups", which could be found in Fig. 2, elements 50, 52- 54 and pages 11-13 wherein the detection signal processing circuit 54 detects the detection signals 69 and 70, the signals 74 and 75 obtained from the detection signal processing circuit 54, on the other hand, are inputted into the switch circuit 55, whereas a desired playback plane (either first or second plane) is played back under the control signal 73 issued from the system control 50....moreover, the first and second optical heads 20 and 30 are controlled based on traditionally known focus tracking control procedures in such a way that the beam spot 22 on the optical head 20 will become optimally irradiated onto the first plane of the optical disc 1.... And circuit 52 and 53 received those detected signals from 54 then adjusts optical heads 20 and 30.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Kichizaemon Okazaki (JP 63-268160).

Regarding claim 22, Kichizaemon Okazaki discloses an adjusting device for an optical pickup comprising: a rotating and driving mechanism configured to rotate and drive an optical disc and configured to adjust an optical pickup including (see Fig. 1): a first signal recording part that is irradiated with a first laser beam from one surface side (see Fig. 2, elements 10, 20); and a second signal recording part that is irradiated with a second laser beam from the other surface side to record data so that a scanning direction by the second laser beam is opposite to that of the first signal recording part (see Figs 1-2, elements 10, 30 and pages 7-8); adjusting mechanism part configured to apply the first and second laser beam to the signal recording part of the respective opposed side of the first and second recording parts of the optical disc from at least one of first and second optical pickups respectively disposed to be opposed to the surfaces of the optical disc, and detecting a rejected light from the opposed signal recording parts to adjust the at least one of the first and second optical pickups (see augment above).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kichizaemon Okazaki (JP 63-268160) in view of Honda Hidetoshi (JP 01-204228).

Regarding claims 23 and 24, see Fig. 9, discloses the adjusting device for an optical pickup according to claim 22, further comprising a control part for controlling the operations of the first and second optical pickups, wherein a mechanism for moving the light source of the first or the second optical pickup, while the focusing control is made operative and the tracking control is made inoperative by the control part, to adjust an optical path from the light emitting point of the laser beam to the adjusting disc (see page 11). However, Kichizaemon does not disclose an adjusting mechanism part includes a photodetector adjusting mechanism for adjusting an optical axis of a photodetector of the first or second optical pickup under an inoperative state of the focusing control and the tracking control of an objective lens of the one optical pickup by the control part. Kichizaemon discloses a control part (control system, see Fig. 2).

Honda, see abstract and Figs. 1-5, discloses an adjusting mechanism part includes a photodetector adjusting mechanism for adjusting an optical axis of a photodetector of an optical pickup under an inoperative state of the focusing control and the tracking control of an objective lens of the optical pickup (noted that Honda discloses the adjusting the moving of the semiconductor laser in an optical direction, adjusting the moving of a photo-detector in an orthogonal direction to the optical axis and fixing the photo-detector after adjustment, see abstract).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an adjusting mechanism part includes a photodetector in Kichizaemon as suggested by Honda, the motivation being in order to be easily adjust focusing (see Honda Purpose).

6. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kichizaemon Okazaki (JP 63-268160) in view of Honda Hidetoshi (JP 01-204228) further in view of the admitted art.

Regarding claim 25, the combination of Kichizaemon and Honda, discloses the adjusting device for an optical pickup according to claim 24. However, the combination of Kichizaemon and Honda does not disclose the adjusting mechanism part includes an objective lens adjusting mechanism part for adjusting the inclination of the optical axis of the objective lens of the first or the second optical pickup so that a jitter component of a signal obtained from the photodetector of the first or the second optical pickup becomes minimum.

The admitted art discloses an adjusting mechanism part includes an objective lens adjusting mechanism part for adjusting the inclination of the optical axis of the objective lens of the first or the second optical pickup so that a jitter component of a signal obtained from the photodetector of the first or the second optical pickup becomes minimum (see PG PUB, paragraph [0005]-[0012]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide an adjusting mechanism part includes an objective lens in the combination of Kichizaemon and Honda as suggested by the admitted art, the motivation being in order to be displaced in the focusing direction and the tracking direction (see the admitted art [0006]).

Regarding claim 26, the combination of Kichizaemon, Honda and the admitted art, discloses the adjusting device for an optical pickup according to claim 25, wherein the adjusting mechanism part includes an output control part for adjusting the output level of the light source of the first or the second optical pickup so that the level of a signal formed in accordance with the signal obtained from the photodetector of the first or the second optical pickup reaches an optimum value (see [0011]-[0012]).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Cited References

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

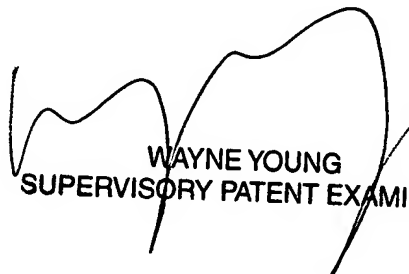
The cited references relate to:

- a. Double-sided optical disc player (Sato. EP 0512 860).
 - b. Magneto-optical disk system having an objective lens with a numerical aperture related to the thickness of the protective layer (Watanabe et al. US 5,914,915).
 - c. Optical pickup device (JP 01-204228).
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN T. PHAM whose telephone number is 571-272-7590. The examiner can normally be reached on Monday-Thursday from 9:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VP


WAYNE YOUNG
SUPERVISORY PATENT EXAMINER